

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE)	CHAPTER 13
)	
HARRY F SMITHERS, and)	CASE NO.: 23-10624-AMC
KELLIANN SMITHERS,)	
Debtors)	
~~~~~		
BRIDGECREST ACCEPTANCE CORPORATION,	)	
	)	
Movant	)	<b><u>HEARING DATE:</u></b>
vs.	)	Tuesday, August 22, 2023
	)	11:00 A.M.
HARRY F SMITHERS, and	)	
KELLIANN SMITHERS,	)	
	)	
Respondent(s)	)	
and	)	<b><u>LOCATION:</u></b>
	)	900 Market Street, Suite 400
KENNETH E. WEST	)	Courtroom No. Courtroom Number #4
	)	Philadelphia, PA 19107
Trustee	)	

**MOTION FOR RELIEF FROM AUTOMATIC STAY**

AND NOW, comes the above-captioned Movant, Bridgecrest Acceptance Corporation, by and through their attorney, Regina Cohen, who files this Motion based upon the following:

1. The Movant is a corporation having a principal place of business located at 7457 E. Hampton Ave., Mesa, AZ 85209.
2. The Respondents, Harry F Smithers and Kelliann Smithers are an individual with a mailing address at 2856 Nautilus Road, Philadelphia, PA 19154, who have filed a Petition under Chapter 13 of the Bankruptcy Code.
3. On or about April 25, 2022, Debtors Harry F Smithers and Kelliann Smithers entered into a Retail Installment Sales Contract, involving a loan in the amount of \$17,641.03 for the purchase of a 2016 Nissan Rogue Utility 4D S w/3rd Row Seat AWD 2.5L I4.
4. The vehicle secured by the Contract has V.I.N. 5N1AT2MM2GC853623.
5. Movant is the assignee of the Contract.

6. The above – described vehicle is encumbered by a lien with a payoff in the amount of \$16,249.89 plus other appropriate charges as of July 28, 2023 but subject to change. The regular monthly payment is \$242.54 at an interest rate of 20.19%.

7. Applying payments received to the earliest payment due, payments have been missed post-petition, since April 28, 2023 in the amount of \$1,697.40, plus all applicable late charges, interest, attorneys' fees and costs plus Pre-Petition Payments of \$241.62.

8. The Property has a N.A.D.A. Value of \$13,925.00.

9. The vehicle is not necessary to an effective reorganization.

10. The Movant is the only lienholder of record with regard to the vehicle.

11. In order to proceed with repossession of the vehicle, relief from the automatic stay must be obtained.

12. Failure to make adequate protection payments is cause for relief from the automatic stay.

13. The Movant has incurred attorney's fees in the filing of this Motion.

14. The vehicle is a rapidly depreciating asset. Movant requests the waiver of Rule 4001(a)(3).

WHEREFORE, Movant prays for your Honorable Court to enter an Order permitting the Movant to proceed with the repossession proceedings of the aforementioned vehicle.

Respectfully submitted,  
Lavin, Cedrone, Graver, Boyd & DiSipio

/s/ Regina Cohen  
Regina Cohen  
Attorney for Movant  
Suite 500 190 North Independence Mall West 6th &  
Race Streets  
Philadelphia, PA 19106  
(215) 351-7551